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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,529	03/10/2004	Petteri Poyhonen	042933/271454	4521
826 7590 12/10/2008 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER PHAN, TRI H	
			ART UNIT 2416	PAPER NUMBER
			MAIL DATE 12/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/797,529	Applicant(s) POYHONEN ET AL.
Examiner TRI H. PHAN	Art Unit 2416

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 10/16/2008
13. ☒ Other: See Continuation Sheet.

/Tri H. Phan/
Primary Examiner, Art Unit 2416

/Chi H Pham/
Supervisory Patent Examiner, Art Unit 2416
10/30/08

Continuation of 11. does NOT place the application in condition for allowance because: the Applicant's arguments on pages 2-8 for claims 1-59, filed on October 10, 2008, do not overcome the rejection set forth in the final office action sent on 08/27/2008, since the argued limitations are recited in final/response office action and are not persuasive. The traversal is based on the ground:

In the REMARKS, pages 2-5, Applicant mainly argues for claim 1, Parker (as well as Amin) does not teach or suggest a system for establishing an IP connection with a terminating node, whereby "the terminating node, upon notified of incoming data, is configured to register with the intermediate node to thereby enable Internet Protocol 'IP' communication between the originating node and the terminating node via the intermediate node". Examiner respectfully disagrees. Parker et al. (U.S. 6,690,407) discloses a combined telephonic/computerized on-demand ordering system employed the computer network communication session that establishes in response to a telephone call made from the user/requestor via the central server (see Abstract); wherein, upon the called party is alert for requesting to establish connection through voice call ("notification of incoming data"; see col. 4, lines 22-32); and in order to establish communication session between users via central server and for security and/or billing purpose, users have to send registration message to central server, e.g. "register with the intermediate node", to notify that the user is available, for establishing connection/services over Internet, e.g. "enable IP communication" (see col. 4, lines 33-67; and since central server database maintains 'only registered users' as specified in col. 3, lines 16-30; col. 4, lines 41-67). Therefore, the examiner concludes that Parker teaches the arguable features.

Regarding claims 2, 19 and 36, see REMARKS, pages 5-6, Applicant further argues that Parker fails to teach "a notification of incoming data with a non-IP-based communication technique". Examiner respectfully disagrees. Parker discloses the alert to the called party to establish connection/serve by voice call as specified in col. 4, lines 22-32; col. 5, lines 1-20. Therefore, the examiner concludes that Parker teaches the arguable features.

In regard to claims 6, 23 and 40, see REMARKS, page 6, Applicant further argues that Parker fails to teach "sending the query to DNS server to trigger the communication". Examiner respectfully disagrees. In Parker, since the call connection request is via telephone number or logical name, the central server has to resolve into IP address by consulting with the DNS server to determine the session IP address and port number as disclosed in col. 4, lines 5-19, 33-55. Therefore, the examiner concludes that Parker teaches the arguable features.

Regarding claims 15-16, 32-33, 49 and 50, see REMARKS, pages 6-7, Applicant further argues that Parker fails to teach "wherein the originating node or the intermediate node is configured to communicate with the at least one of the NAT or FW to thereby trigger the at least one of the NAT or FW to notify the terminating node of incoming data.". Examiner respectfully disagrees. Parker discloses where the server is communicating with the NAT or firewall to maintain the privacy of the user's IP address as disclosed in col. 4, lines 55-63; col. 5, lines 29-52. Therefore, the examiner concludes that Parker teaches the arguable features.

In regard to claims 3, 7-10, 14, 20, 24-27, 31, 37, 41-44, 48, 55 and 57, Applicant mainly argues that the examiner fails to provide a sufficient reasoning for the combination of Parker and Amin. In fact, according to current practice, reasons for combining are to come from the references used in the rejection of the claimed invention and in some cases from knowledge of one of ordinary skill in the art and the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In that, the reasons to combine have come from Parker which discloses a combined telephonic/computerized system and method for establishing communication session in response to a telephone call from a requestor to a provider via central server through IP network, and in an analogous art, Amin discloses a system and method for managing session in an IP network, so it is unclear how applicant believes that has not provided sufficient reasoning for the combination between two analogous arts?

Continuation of 13. Other: Claims 1-59 remain rejected as set forth in the final rejection of paper no. 20080818.